

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

FRANKLIN FRYE,	)	CASE NO. 1: 11 CV 1019
	)	
Plaintiff,	)	JUDGE DONALD C. NUGENT
	)	
v.	)	
	)	
	)	MEMORANDUM OPINION
MICHAEL J. ASTRUE,	)	
Commissioner of Social Security	)	
	)	
Defendant.	)	

This matter comes before the Court upon the Report and Recommendation of Magistrate Judge Vernelis K. Armstrong. The Report and Recommendation (ECF # 23), issued on April 9, 2012, is hereby ADOPTED by this Court. Plaintiff filed this action requesting judicial review of Defendant's final decision denying his claim for Supplemental Security Income (SSI) under Title XVI of the Act, 42 U.S.C. §§ 1381 et seq. The Magistrate Judge recommended that the Court affirm in part and Reverse and Remand in part the Commissioner's decision. No timely objections have been filed.<sup>1</sup>

The Court has reviewed *de novo* the Report and Recommendation, *see Ohio Citizen Action v. City of Seven Hills*, 35 F. Supp. 2d 575, 577 (N.D. Ohio 1999), and ADOPTS the Report and Recommendation in its entirety. Accordingly, this action is REMANDED to the Commissioner to obtain: (1) a medical/psychological expert opinion regarding the effect of Plaintiff's moderate impairment in concentration, persistence and pace on Plaintiff's ability to

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<sup>1</sup>

The Commissioner filed a Notice that he would not be filing objections to the Report and Recommendation. (ECF #24).

work; and (2) vocational testimony based on a hypothetical question that adequately incorporates and conveys Plaintiff's physical and medical residual functional capacity so as to determine what, if any, jobs Plaintiff is able to perform consistent with the restrictions and limitations set forth in the ALJ's residual functional capacity determination.

IT IS SO ORDERED.

/s/Donald C. Nugent  
DONALD C. NUGENT  
United States District Judge

DATED: May 18, 2012